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Attorney for Defendant MGM

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANTE B. MAGDALUYO JR.,
Plaintiff,
v.
MGM GRAND HOTEL, LLC,
Defendant.

Case No. 2:14-cv-01806-RFB-GWF

**DEFENDANT'S EMERGENCY MOTION TO
EXTEND THE DEADLINE TO FILE
DISPOSITIVE MOTIONS
(Second Request)**

Pursuant to LR 7-5, Defendant MGM Grand Hotel, LLC ("MGM" or "Defendant"), by and through its counsel of record, Jackson Lewis P.C., submits the following Emergency Motion to Extend the Deadline to File Dispositive Motions.

This emergency motion is submitted and based on the following:

1. On April 22, 2015, MGM filed a Motion to Dismiss Plaintiff's Complaint in its entirety. **Doc. 8.**
2. Plaintiff filed a First Amended Complaint on April 15, 2015. **Doc. 10.**
3. MGM filed a Motion to Strike Plaintiff's First Amended Complaint on May 20, 2015. **Doc. 11.**
4. On June 15, 2015, Plaintiff filed a Second Amended Complaint. **Doc. 21.**
5. On July 2, 2015, MGM filed a Motion to Dismiss, or in the Alternative, Motion to Strike Plaintiff's Second Amended Complaint. **Doc. 27.**
6. On November 11, 2015, the Court ordered that the last day to file dispositive motions in this matter is March 17, 2016 (**Doc. 79**).

1 7. On March 13, 2015, the Court issued a Minute Order setting for hearing, among
2 other things, MGM's Motion to Dismiss Plaintiff's original Complaint (**Doc. 8**), MGM's Motion
3 to Strike Plaintiff's First Amended Complaint (**Doc. 11**), and MGM's Motion to Dismiss or Strike
4 Plaintiff's Second Amend Complaint (**Doc. 27**). All of these motions will be heard on March 24,
5 2016. **Doc. 100.**

6 8. The Court's decision on these motions will determine the efficacy of each of
7 Plaintiff's various complaints.

8 9. MGM desires to file a Motion for Summary Judgment on whichever of Plaintiffs'
9 various complaints is determined to be operative. However, as of the dispositive motion deadline
10 of March 17, 2016, the parties will not know which complaint will remain operative, if any.

11 10. As a result, MGM respectfully requests the Court enter an order extending the
12 deadline to file dispositive motions until 30 days after the Court issues an Order determining
13 which complaint will be operative, if any, following the March 24, 2016 hearing.

14 11. MGM files this as an emergency motion because if it is not heard on or before
15 March 16, 2016, it will be rendered meaningless, because the parties will be required to file
16 dispositive motions on March 17, 2016.

17 12. This request for an extension of the deadline for the parties to file dispositive
18 motions is made in good faith and not for the purpose of delay.

19 Dated: March 14, 2016.

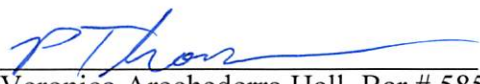
20
21 **ORDER:**

22 IT IS SO ORDERED.

23 
24 _____
25 RICHARD F. BOULWARE, II
26 UNITED STATES DISTRICT JUDGE

27 DATED: 3/16/2016.

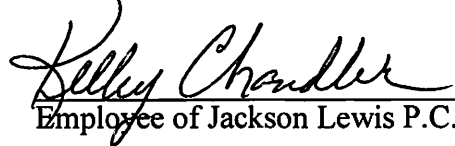
JACKSON LEWIS P.C.

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Las Vegas, Nevada 89169
Attorney for Defendant
MGM Grand Hotel, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jackson Lewis P.C. and that on this 14th day of March, 2016, I caused to be served via United States mail a true copy of **DEFENDANT'S EMERGENCY MOTION TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS** to:

Dante B. Magdaluyo Jr.
918 Scarlet Haze Avenue
Las Vegas, Nevada 89183
Defendant in Pro Per


Employee of Jackson Lewis P.C.

4844-5576-1711, v. 1